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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/332,489	06/14/1999	ARNAUD CAPITANT	S828.312-2	3010

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EXAMINER

BACKER, FIRMIN

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 04/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/332,489

Applicant(s)

CAPITANT ET AL.

Examiner

Firmin Backer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Amendment

This is in response to an amendment file on February 17th, 2003 for letter for patent filed on June 14th, 1999 in which claims 1-22 were presented for examination. In the amendment, claims 1 have been amended. Claims 1-22 remain pending in the letter.

Response to Arguments

1. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fourgnies et al (U.S. Patent No 6,236,851) in view of Wagner (U.S. Patent 6,366,967)

4. As per claims 1, 21 and 22, Fourgnies et al teaches a process/system/mobile radiotelephone for remote and secure payment (*payment telecommunication system, 10, 30*) for goods and/or a service (*calls*) purchased by a buyer (*preauthorized user, subscriber*) from a

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supplier (*cellular service provider, 14*), making use of a mobile radiotelephone (*cellular radiotelephone*) used by the buyer, the mobile radiotelephone enabling access to a radio communications network (*cellular communication network*) managed by a management center (*remote server, 18*) a payment server (*remote database 19*) being connected to the radio communications network (*see abstract, fig 1, 2, column 5 lines 22-6 line 62*), characterized by identification of the buyer by the management center and/or the payment server and/or a control center, the buyer identification consisting of making sure that the buyer is a subscriber correctly registered on a list of subscribers to the radio communications network (*see abstract, fig 1, 2 column 3 line 50-4 line 56*). Fourgnies et al. fail to teach a supplier within an open network. Wagner teaches a supplier within an open network (*see fig 13A, column 5 lines 29-42*). Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to modify Fourgnies et al's inventive concept to include Wagner's concept of a supplier within an open network because this would have supported electronic transactions or data compilation in a secure manner without undue limitation as to the devices with which communication may be made.

5. As per claim 2, Fourgnies et al teaches a process characterized in that the buyer identification by subscriber identification (*ANI and DNIS*), enabling the management center and/or the payment server and/or the control center to receive a subscriber identifier specific to the buyer, as a user of the radio communications network; subscriber authentication, enabling the management center and/or the payment server and/or the control center to check the subscriber

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identifier that was sent to it during the subscriber identification step (*see column 3 lines 50-4 line 4*).

6. As per claim 3, Fourgnies et al teaches a process characterized by the management center and/or the payment server and/or the control center supplies a random number to the mobile radiotelephone; the mobile radiotelephone generates a subscriber's electronic signature: with an individual authentication algorithm and/or an individual authentication key contained in protected areas of the mobile radiotelephone, and using the random number; the mobile radiotelephone transmits the subscriber's electronic signature to the management center and/or to the payment server and/or to the control center; the management center and/or the payment server and/or the control center checks the subscriber's electronic signature (*see abstract, fig 1, 2 column 3 line 50-4 line 56*).

7. As per claim 4, Fourgnies et al teaches a process characterized that management center and/or the payment server and/or the control center authenticates the buyer, and possibly a decision to purchase the goods and/or service purchased by the buyer (*see column 3 lines 50-4 line 4*).

8. As per claim 5, Fourgnies et al teaches a process, characterized that the radiotelephone generates a buyer's electronic signature, the mobile radiotelephone sends the buyer's electronic signature to the management center and/or the payment server and/or the control center; the management center and/or the payment server and/or the control center checks the buyer's

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electronic signature, the buyer's electronic signature being kept available for use by the buyer and the supplier (*see abstract, fig 1, 2 column 3 line 50-4 line 56*).

9. As per claim 6, Fourgnies et al teaches a process characterized in that the buyer authentication step, and possibly the purchase decision step, itself comprises the following steps: the buyer may input a confidential payment code into the mobile radiotelephone, using a keypad associated with the mobile radiotelephone, the mobile radiotelephone sends a secure transmission of the confidential payment code to the management center and/or the payment server and/or the control center; the management center and/or the payment server and/or the control center checks the confidential payment code (*see column 6 lines 7-27*).

10. As per claim 7, Fourgnies et al teaches a process characterized that the buyer inputs a confidential payment code into the mobile radiotelephone using a keypad associated with the mobile radiotelephone (*see abstract, fig 1, 2 column 3 line 50-4 line 56*).

11. As per claim 8, Fourgnies et al teaches a process characterized in that the step in which the confidential payment code is input, is made using an input algorithm stored in the mobile radiotelephone (*see column 3 lines 50-4 line 4*).

12. As per claim 9, Fourgnies et al teaches a process characterized that the confidential payment code is input, is made using at least one downloaded page in the HDML or an equivalent format provided for this purpose (*see column 3 lines 50-4 line 4*).

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13. As per claim 10, and 11, Fourgnies et al teaches a process characterized in that the step in which the buyer's electronic signature is generated is carried out: using a payment security algorithm and/or a payment security key contained in the protected areas of the mobile radiotelephone, and starting from data about the transaction and/or data about the buyer (*see column 3 lines 50-4 line 4*).

14. As per claim 12, Fourgnies et al teaches a process wherein the mobile radiotelephone comprising a terminal cooperating with a subscriber identification module, characterized in that the payment security algorithm and/or the payment security key is stored in protected areas of the terminal (*see column 3 lines 50-4 line 4*).

15. As per claim 13, Fourgnies et al teaches a process wherein the mobile radiotelephone comprising a terminal cooperating with a subscriber identification module, characterized in that the payment security algorithm and/or the payment security key is (are) stored in protected areas of the subscriber identification module (*see column 6 lines 28-67*).

16. As per claim 14, Fourgnies et al teaches a process characterized that the mobile radiotelephone is unlocked if a comparison between a confidential identification code (PIN code) contained in protected areas of the mobile radiotelephone, and a secret key known to the buyer and input by the buyer into the mobile radiotelephone using a keypad is positive (*see column 7 lines 44-8 line 40*).

17. As per claim 15, Fourgnies et al teaches a process the mobile radiotelephone comprising a terminal cooperating with a subscriber identification module, characterized in that at least one some of the protected areas of the mobile radiotelephone are included in the subscriber identification module *see column 7 lines 44-8 line 40*).

18. As per claim 16, Fourgnies et al teaches a process characterized in that it also comprises the following step: data related to payment for the purchase of goods and/or the service are encrypted, exchanged between the mobile radiotelephone and the management center and/or the payment server and/or the control center, to ensure that the purchase is confidential (*see column 3 lines 50-4 line 4*).

19. As per claim 17 Fourgnies et al teaches a process characterized in that it also comprises the following step: a check of the integrity of data related to payment for the purchase of goods and/or the service exchanged between the mobile radiotelephone and the management center and/or the payment server and/or the control center, so that a defrauder is unable to modify the data (*see abstract, fig 1, 2, column 5 lines 22-6 line 62*).

20. As per claim 18 Fourgnies et al teaches a process characterized in that the buyer is associated with an electronic wallet comprising: a wallet identifier associated with a subscriber identifier specific to the buyer, as a user of the radio communications network; means of payment information about the buyer and/or the account(s) of the buyer; use of the means of

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payment, particularly when buying goods and/or a service not being authorized until the buyer has been successfully identified, and possibly authenticated (*see abstract, fig 1, 2 column 3 line 50-4 line 56*).

21. As per claim 19, Fourgnies et al teaches a process characterized in that the electronic wallet also comprises a confidential payment code known to the buyer (*see abstract, fig 1, 2 column 3 line 50-4 line 56*).

22. As per claim 20 Fourgnies et al teaches a process the mobile radiotelephone comprising a terminal cooperating with a subscriber identification module, characterized in that the electronic wallet is stored in one of the elements belonging to the group consisting of: the terminal the subscriber identification module the payment server the management center the control center (*see abstract, fig 1, 2, column 5 lines 22-6 line 62*).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

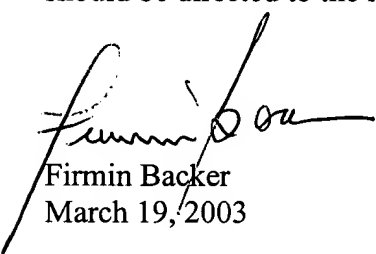
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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammel can be reached on (703) 305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Firmin Backer
March 19, 2003



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